

Serial No. 10/000,443
Amendment dated November 20, 2003
Reply to Office Action of July 21, 2003

REMARKS

Reconsideration and allowance of this application, as amended, are respectfully requested. The written description, and claim 14 have been amended. Claim 33 has been added. Claims 1-33 are now pending in the application. The rejections are respectfully submitted to be obviated in view of the amendments and remarks presented herein.

Entry of the amended claims is proper under 37 C.F.R. § 1.116 since the amendments: (1) place the application in condition for allowance (for the reasons discussed herein); (2) do not raise any new issues requiring further search and/or consideration (since the amendments amplify issues previously discussed throughout prosecution without incorporating additional subject matter); (3) satisfy a requirement of form asserted in the previous Office Action; and/or (4) place the application in better form for appeal (if necessary). Entry is thus respectfully requested.

Applicants thank the Examiner for the courtesies extended to Applicants' representatives during the personal interview conducted on August 26, 2003. During the interview, all of the claims were discussed in regard to the pending rejection under 35 U.S.C. § 112, first paragraph. Specifically, the broad concept of quality of service (QoS) was discussed as it relates to the claimed invention. Additionally, the Examiner's concerns regarding the lack of disclosure of how QoS is determined were discussed, and Applicants discussed that a detailed disclosure of QoS is not needed, since QoS is well known in the art. Accordingly, one of ordinary skill in the art

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would know the various methods for determining or establishing a QoS. The Examiner indicated that the written description most likely complied with the requirement of 35 U.S.C. § 112. Applicants agreed to provide citations to various references which discusses QoS.

The specification stands objected to for failing to provide a definition of “E” on page 8, paragraph 27. The specification has been amended to correct typographical errors in accordance with the Examiner's helpful suggestions, and is believed to comply with the requirements of the U.S. Patent and Trademark Office. Withdrawal of this objection is respectfully requested.

Claim 14 stands objected to for failing to provide a definition of “E” recited in the claim. Claim 14 has been amended to correct this typographical discrepancy, and is believed to comply with the requirements of the U.S. Patent and Trademark Office. Withdrawal of this objection is respectfully requested.

Claims 1-32 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly containing subject matter which is not described in the specification in such a way as to enable one skilled in the art to which it pertains to make and/or using invention. Specifically, the Office Action asserts that the implementation of the determination of the QoS parameter is insufficiently disclosed.

As discussed during the personal interview, there are many methods and procedures for determination of a QoS parameter. Moreover, these methods are well

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known in the art. For example, QoS is discussed in U.S. Patent No. 6,167,273 to Mandyam. Mandyam discloses that:

QoS level parameters define standards by which to measure, or ensure, minimum communication quality levels. A QoS parameter can be used in service initiation and service modification. A QoS level parameter can be used during service negotiations in the initiation of performance of a communication service as well as to modify service levels during performance of a communication service. A QoS level parameter defines a communication service in terms, e.g., bit-error rates, service delays, as well as other types of performance measures. Performance of a communication service at a level at least corresponding to a selected performance measure by which a QoS level parameter is defined ensures that the communication service is performed at a communication quality level associated therewith. The QoS level parameter, therefore, is a quantifiable parameter associated with a communication quality level.

See column 2, lines 1-20.

Additionally, QoS parameters are discussed in U.S. Patent No. 6,201,971 to Purnadi et al. (hereinafter “Purnadi”). Purnadi discloses that “QoS (quality of service) level parameters can be defined to provide a standard by which to measure or ensure minimum communication quality levels. ...A QoS level parameter defines a communication quality level in terms of, e.g., a data transmission rate, a bit error rate, or a signal delay amount upon a forward link and upon a reverse link.” See column 2, lines 27-31.

Moreover, U.S. Patent No. 6,445,916 to Rahman discloses a communications system and method that allows a system operator to establish a target quality of service level for a corresponding subscriber, which is preferably selected from a

hierarchy of standard quality of service levels. A subscriber may choose the target level of service appropriate for the subscriber's communication requirements, such as voice requirements, data requirements, or packet-data requirements. See column 1, line 67 - column 2, line 7. Rahman further discloses that “[q]uality of service parameters (i.e. quality parameters) are any parameters associated with the communication system that indicate quality which is either perceptible directly to a human subscriber or perceptible through the use of test and measurement equipment adapted to test the communication system from a subscriber station's point of view. For example, quality of service parameters include bit-error rate (BER), frame error rate, signal-to-interference ratio, and signal-to-noise ratio for digitally modulated signals.” See column 3, lines 9-20.

Consequently, as described above, QoS is well known in the art, and there are various methods which are readily known to select or determine a QoS. Accordingly, there is no necessity to provide a detailed disclosure in the present application of the details concerning determining the QoS parameter.

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CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned agent, Lenny R. Jiang, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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